STATE OF CONNECTICUT

QUI TRANSTULIT SUSTINET

General Assembly   *Amendment*

February Session, 2008   LCO No. **4903**

HB0513004903HR0

Offered by:
  REP. HAMZY, 78th Dist.
  REP. FOX, 146th Dist.
  REP. GODFREY, 110th Dist.

To: House Bill No. **5130**   File No. 42   Cal. No. 42

"AN ACT LIMITING USE OF CHECKS TO CREATE BINDING AGREEMENTS ON CONSUMERS."

1   After the last section, add the following and renumber sections and
2   internal references accordingly:

3   "Sec. 501. Subsection (a) of section 36a-785 of the general statutes is
4   repealed and the following is substituted in lieu thereof (*Effective*
5   *October 1, 2008*):

6   (a) When the retail buyer is in default in the payment of any sum
7   due under the retail installment contract or installment loan contract,
8   or in the performance of any other condition which such contract
9   requires [him] the retail buyer to perform, or in the performance of any
10   promise, the breach of which is by such contract expressly made a
11   ground for the retaking of the goods, the holder of the contract may
12   retake possession thereof, except that the filing of a petition in
13   bankruptcy under Chapter 7 of Title 11 of the United States Code by

14 the retail buyer of a motor vehicle, or such retail buyer's status as a
15 debtor in bankruptcy under said chapter, shall not by itself be a default
16 or a ground for the retaking of the motor vehicle for the purposes of
17 this subsection. Unless the goods can be retaken without breach of the
18 peace, **[**it**]** the goods shall be retaken by legal process, but nothing
19 **[**herein contained**]** in this section shall be construed to authorize a
20 violation of the criminal law. In the case of repossession of any motor
21 vehicle without the knowledge of the retail buyer, the local police
22 department shall be notified of such repossession immediately
23 thereafter. In the absence of a local police department or if the local
24 police department cannot be reached for notification, the state police
25 shall be promptly notified of such repossession."